REMARKS

The above amendment with the following remarks is submitted to be fully responsive to the non-final Office Action of December 27, 2007. Claims 1-29 were pending in the present application prior to the above amendment. In the present amendment, claims 1, 4-6, 10-12, 19 and 27 are amended, and claim 2 is cancelled. No new matter is introduced (see, e.g., Figs. 8-9, 15-16, 20, and 26, and paragraphs [0098], [0101], [0141], [0159], [0176], [0217] and [0223] of Applicants' published Specification). Reconsideration in view of the above amendments and following remarks is respectfully requested.

In response to the obviousness type double patenting rejection over co-pending application serial no. 11/044,874, claims 1 and 27 are amended. Nonetheless, if a double patenting rejection is still applicable once the present case is condition for allowance, Applicants will consider filing a Terminal Disclaimer, as needed.

The present office action rejects claims 1-29, of which claims 1 and 27 are independent claims, based on the applied references, McAllister (USP 5,513,250), In Re Venner, Marullo et al. (USP 6,185,701), Official Notice, and Lawlor et al. (USP 5,220,501). These rejections are respectfully overcome because the applied references, alone or in combination, fail to disclose, teach or suggest all of the features recited in the claims. For example, independent claim 1, as amended (emphasis added), recites:

> **A method for managing a financial transaction of a user at both online and offline merchants,** comprising:
> **providing via a server an identification of both online and offline merchants for selection by a user;**
> **authenticating the user at the server via a device of the user while the user is at an online or offline site of the merchant;**
> **transmitting via the server activation information for activating a reusable, pre-existing, unaltered and permanent credit or debit card account number** of the user from the user device to a financial institution for processing financial transactions, while the user is authenticated and **based on a selection of the merchant by the user on the server;**
> submitting a payment request including the reusable, pre-existing, unaltered and permanent credit or debit card account number to the financial institution from the merchant, while the reusable, pre-existing, unaltered and permanent credit or debit card account number is activated; and
> de-activating the reusable, pre-existing, unaltered and permanent credit or debit card account number after the payment request is processed by the financial institution, wherein the financial institution only accepts and processes payment requests received from merchants while the reusable, pre-existing, unaltered and permanent credit or debit card account number is activated, and the financial institution declines payment requests while the

reusable, pre-existing, unaltered and permanent credit or debit card account number is de-activated.

Independent claim 27, as amended (emphasis added), recites:

> **A system for managing a financial transaction of a user at both online and offline merchants**, the system comprising:
>
> means for **providing via a server an identification of both online and offline merchants for selection by a user**;
>
> means for **authenticating the user at the server via a device of the user while the user is at an online or offline site of the merchant**;
>
> means for **transmitting via the server activation information for activating a reusable, pre-existing, unaltered and permanent credit or debit card account number** of the user from the user device to a financial institution for processing financial transactions, while the user is authenticated and **based on a selection of the merchant by the user on the server**;
>
> means for submitting a payment request including the reusable, pre-existing, unaltered and permanent credit or debit card account number to the financial institution from the merchant, while the reusable, pre-existing, unaltered and permanent credit or debit card account number is activated; and
>
> means for de-activating the reusable, pre-existing, unaltered and permanent credit or debit card account number after the payment request is processed by the financial institution, wherein the financial institution only accepts and processes payment requests received from merchants while the reusable, pre-existing, unaltered and permanent credit or debit card account number is activated, and the financial institution declines payment requests while the reusable, pre-existing, unaltered and permanent credit or debit card account number is de-activated.

Thus, the inventions of independent claims 1, and 27 include the novel features of a method and system for managing a financial transaction of a user at both online and offline merchants, including providing via a server an identification of both online and offline merchants for selection by a user, authenticating the user at the server via a device of the user while the user is at an online or offline site of the merchant, transmitting via the server activation information for activating a reusable, pre-existing, unaltered and permanent credit or debit card account number of the user from the user device to a financial institution for processing financial transactions, while the user is authenticated and based on a selection of the merchant by the user on the server. Advantageously, the inventions of independent claims 1 and 27 allow for secure e-commerce transactions for a user for both online and offline merchants, and with no modifications needed at the online and offline merchants, as compared to the applied references.

By contrast, McAllister is directed to a telephone based credit card protection system and method and does not disclose, teach or suggest managing a financial transaction of a user at both online and offline merchants, including providing via a server an identification of both online and offline merchants for selection by a user, authenticating the user at the server via a device of the user while the user is at an online or offline site of the merchant, transmitting via the server activation information for activating a reusable, pre-existing, unaltered and permanent credit or debit card account number of the user from the user device to a financial institution for processing financial transactions, while the user is authenticated and based on a selection of the merchant by the user on the server, as recited in independent claims 1, and 27, and requires that the merchants modify their existing procedures and point-of-sale (POS) systems (see, e.g., Fig. 5, POS 243, and col. 13, line 47 to col. 14, line 3, col. 14, lines 8-24, and 39-48 of McAllister).

The remaining references, In Re Venner, Marullo et al., Official Notice, and Lawlor et al., fail to cure the noted deficiencies in McAllister. Accordingly, independent claims 1 and 27 and claims dependent therefrom are allowable over the applied reference, taken alone or in combination.

With respect to the rejection of claim 4 based on In Re Venner, Applicants submit that "to make automatic is obvious," as asserted in the present Office Action, is not a proper application of In Re Venner, which holds that:

> It was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

The present Office Action fails to show what manual activity is merely being made automatic. Applicants submit that the feature of activation information being automatically transmitted to a financial institution when a user logs into a server, as recited in claim 4, is not obvious over the applied references, even in view of In Re Venner.

With respect to the rejection of the numerous claims based on Official Notice, Applicants traverse these rejections and request the Examiner to provide prior art showing such allegedly well known features, and reasons for combining such prior art with the applied references to arrive at the claimed invention.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

Respectfully submitted,

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